

### **IN THE CLAIMS:**

Please cancel claims 3, 5, 6, 12-15, 20 and 22, without prejudice. Please amend claims 1, 2, 4, 7-11, 16-19, 21 and 23 as follows.

1. (Currently Amended) A method of controlling charging a service in a telecommunication system comprising at least a first layer and a second layer, both of which are usable for transmitting a service, a first layer charging function, a second layer charging function and at least one network node collecting charging data on the first layer, ~~characterized by the method comprising:~~

receiving (202) a first piece of information indicating that the first layer charging data are attended to by the second layer charging function, the first piece of information not being part of the first layer charging data; and

transmitting (205), in response to the first piece of information, to the network node collecting first layer charging data, information in a charging instruction indicating that charging data are not transmitted to the first layer charging function.

2. (Currently Amended) A method as claimed in claim 1, ~~characterized by further comprising:~~

waiting (203) a predetermined time for the first piece of information; and

if the first piece of information is not received during the predetermined time, transmitting (204), to the network node collecting first layer charging data, information in a charging instruction indicating that charging data are transmitted to the first layer charging function.

3. (Cancelled)

4. (Currently Amended) A method of controlling charging for a service in a telecommunication system comprising at least a first layer and a second layer, both of which are usable for transmitting a service, a first layer charging function, a second layer charging function and at least one network node collecting charging data on the first layer, the method comprising:

transmitting (502) information to the network node in a first charging instruction indicating that charging data are transmitted to the first layer charging function;

~~characterized by~~

receiving (503) a first piece of information indicating that the first layer charging data are attended to by the second layer charging function, the first piece of information not being part of the first layer charging data; and

ignoring (504), in response to the first piece of information, in the first layer charging function at least partly the charging data coming from the first layer.

5. (Cancelled).

6. (Cancelled).

7. (Currently Amended) A method as claimed in ~~any one of the preceding claims~~ claim 1, ~~characterized by using~~ wherein the method is used for online charging.

8. (Currently Amended) A method as claimed in ~~any one of the preceding claims~~ claim 1, ~~characterized by~~ wherein the first layer ~~being~~ is a bearer layer and the second layer is an application layer.

9. (Currently Amended) A method as claimed in ~~any one of claims 1 to 7~~ claim 1, characterized by wherein the first layer ~~being~~ is an application layer and the second layer is a bearer layer.

10. (Currently Amended) A telecommunication system ~~(1)~~ comprising at least a first layer ~~(2)~~ and a second layer ~~(3)~~, both of which are arranged to transmit a service;

at least one network node ~~(SGSN)~~ arranged to collect charging data on the first layer; and

a billing domain ~~(4)~~ comprising at least a first layer charging function ~~(CF1)~~ for controlling charging on the first layer and a second layer charging function ~~(CF2)~~ for controlling charging on the second layer;

~~characterized in that~~

the billing domain ~~(4)~~ is being configured to transmit, to the first layer charging function ~~(CF1)~~, a first piece of information indicating that the first layer charging data are attended to by the second layer charging function ~~(CF2)~~ in response to the first layer charging data being attended to by the second layer charging function, the first piece of information not being part of the first layer charging data; wherein

the first layer control function ~~(CSE)~~ is configured to receive the first piece of information and to transmit, in response to the first piece of information, to the network node ~~(SGSN)~~, information in a first charging instruction indicating that the charging data are not transmitted to the first layer charging function ~~(CF1)~~; and

the network node (SGSN) is configured not to transmit charging data to the first layer charging function (CF1) in response to the first charging instruction.

11. (Currently Amended) A telecommunication system as claimed in claim 10, ~~characterized in that~~ wherein

the first layer charging function (CF1) is configured to wait a predetermined time for the first piece of information and, in response to not receiving the first piece of information during the predetermined time, to transmit, to the network node (SGSN), information in a second charging instruction indicating that the charging data are transmitted to the first layer charging function (CF1); and

the network node (SGSN) is configured to transmit charging data to the first layer charging function (CF1) in response to the second charging instruction.

Claims 12-15. (Cancelled).

16. (Currently Amended) A telecommunication system as claimed in ~~any one of~~ claims 10 to 15, characterized in that claim 10, wherein

the billing domain (4) is configured to transmit, to the first layer charging function (CF1), as a first piece of information, information indicating whether or not the first layer charging data are attended to by the second layer charging function (CF2) in response to the second layer charging function having received a request associated with charging control; and

the first layer charging function (CF1) is configured to check the information and to interpret it as the first piece of information only if the information indicates that the first layer charging data are attended to by the second layer charging function.

17. (Currently Amended) A telecommunication system as claimed in ~~any one of claims 10 to 16, characterized in that~~ claim 10, wherein the second layer charging function (CF2) is configured to send the first piece of information.

18. (Currently Amended) A telecommunication system as claimed in ~~any one of claims 10 to 16, characterized in that~~ claim 10, wherein the billing domain (4) further comprises a correlation function (CoF) which is configured to send the first piece of information.

19. (Currently Amended) A network node (CF1) in a telecommunication system comprising at least a first layer and a second layer, both of which are usable for transmitting a service, the network node comprising at least

control means for controlling the first layer charging, ~~characterized in that; and~~

~~the network node (CF1) further comprises~~ reception means for receiving a first piece of information indicating that the first layer charging data are attended to by a second layer, the first piece of information not being part of the first layer charging data; ~~and~~ wherein

the control means are arranged to be responsive to the reception means and, in response to the first piece of information, to transmit, to a network node collecting charging data in the first layer, in a first charging instruction, information indicating that the charging data are not transmitted to the first layer charging function.

20. (Cancelled).

21. (Currently Amended) A network node (~~CF1~~) in a telecommunication system comprising at least a first layer and a second layer, both of which are usable for transmitting a service, the network node comprising at least

control means for controlling ~~the~~ first layer charging and, in response to a request associated with controlling of the first layer charging, for transmitting a first charging instruction to a network node collecting charging data in the first layer, the instruction indicating that the charging data are transmitted to the first layer charging function; ~~characterized in that;~~ and

~~the network node (CF1) further comprises~~ reception means for receiving a first piece of information indicating that the first layer charging data are attended to by the second layer, the first piece of information not being part of the first layer charging data; and wherein

the control means are arranged to be responsive to the reception means and to give an instruction to a first layer charging means to ignore at least partly the charging data received from the network node collecting the charging data.

Claim 22. (Cancelled).

23. (Currently Amended) A network node (~~CF2~~) in a telecommunication system comprising at least a first layer and a second layer, both of which are usable for transmitting a service, ~~characterized in that~~

the network node is being configured to send to a charging function of the first layer a first piece of information indicating that first layer charging data are attended to

by the second layer in response to the first layer charging data being attended to by the second layer, the first piece of information not being part of the first layer charging data.

**Please add new claims 24-26 as follows.**

24. (New) A method as claimed in claim 4, wherein the method is used for online charging.

25. (New) A method as claimed in claim 4, wherein the first layer is a bearer layer and the second layer is an application layer.

26. (New) A method as claimed in claim 4, wherein the first layer is an application layer and the second layer is a bearer layer.